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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,187	06/05/2001	Stuart A. Lipton	P-LJ 4714	5845
41552	7590	09/12/2006	EXAMINER	
MCDERMOTT, WILL & EMERY 4370 LA JOLLA VILLAGE DRIVE, SUITE 700 SAN DIEGO, CA 92122			FALK, ANNE MARIE	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
09/876,187	6/5/2001	Lipton et al.	066654-0622

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0906

**Please find below a communication from the EXAMINER in charge of this application**  
Commissioner of Patents

The reply filed on June 19, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment to page 35 of the specification is acknowledged and has been entered. However, the amendment does not identify the sequence disclosed at page 35, line 29 by its sequence identifier. See the Office Letter mailed 5/18/06 which requires identification of the sequence disclosed at page 35, line 29 by sequence identifier (i.e., SEQ ID NO). As a further issue, it is noted that the amendment includes a change that has not been properly indicated by underlining and strikethrough. The nucleotide sequence at page 35, line 29 now reads "YTA(A/T)4TAR" whereas, in the original specification, the numeral "4" was a subscript. Thus, it is unclear if the change was intentional or inadvertent. Appropriate correction is required.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

**Sequences are disclosed in the specification and/or figures that are not identified by their sequence identifier (i.e., SEQ ID NO:).** For example, there is a sequence disclosed at **page 35, line 29**, that is not identified by its sequence identifier. **Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures** and that each sequence disclosed in the specification must be identified by its sequence identifier (i.e., SEQ ID NO:). The specification must be amended to identify all disclosed sequences by their sequence identifier (i.e., SEQ ID NO), in accordance with 37 CFR 1.821(d). Since the specification discloses sequences that are not identified by their sequence identifier, it is unclear if all disclosed sequences are included in the sequence listing. A substitute CRF and paper copy of the Sequence Listing are required **only** if the unidentified sequences are not already included in the Sequence Listing.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply


the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

  
ANNE-MARIE FALK, PH.D  
PRIMARY EXAMINER

<b>Notice to Comply</b>	<b>Application No.</b> 09/876,187	<b>Applicant(s)</b> Lipton et al.	
	<b>Examiner</b> Anne-Marie Falk, Ph.D.	<b>Art Unit</b> 1632	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification and/or figures must be amended to identify all disclosed sequences by their sequence identifier (i.e., SEQ ID NO), in accordance with 37 CFR 1.821(d).

**Applicant Must Provide:**

- ☒ An substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the specification.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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*Anne-Marie Falk*

ANNE-MARIE FALK, PH.D.  
PRIMARY EXAMINER

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**